

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 THE HAGUE 002515

SIPDIS

STATE FOR EUR/UBI, EUR/PPD, AF/S
JUSTICE FOR OIA - JFRIEDMAN

E.O. 12958: DECL: 09/15/2015
TAGS: [PBTS](#) [PREL](#) [XA](#) [AO](#) [NL](#) [KPAO](#)
SUBJECT: STATUS OF BEMBE EXTRADITION

REF: A. SECSTATE 158147 (AND PREVIOUS)
[1](#)B. LUANDA 01180

Classified By: Chat Blakeman for Reasons 1.4 (B)(D).

[1](#)1. (C) Summary: The Ministry of Foreign Affairs has not taken a formal position on the Bembe extradition case but is clearly uncomfortable with several aspects of it. A senior MFA official told Charge September 14 the ministry's role to date has been limited to providing factual information to the court but that it may take a formal position for or against the extradition after hearings resume October 4. Charge said Washington officials were following the case closely and were concerned that a straight-forward extradition case threatened to become unnecessarily politicized. End Summary.

State of Play

[1](#)2. (U) As reported in e-mails to EUR/UBI and AF/S, an initial hearing on the Bento Bembe extradition case was held September 13. Defense attorneys raised several objections to the extradition request, challenging it on jurisdictional grounds and asserting that the case -- involving the kidnapping of a Chevron employee in Angola in 1990 -- was political by nature and therefore not subject to extradition. The court also received a letter from MFA explaining the ministry's role in "facilitating" a visa for Bembe to attend an NGO-sponsored effort in The Hague to help resolve the Cabinda dispute in Angola. The hearing is to resume October 4, at which time MFA is to provide detailed information on its involvement in Bembe's visit to The Hague last summer, which ended in his arrest by Dutch police on June 21. He remains in custody.

[1](#)3. (U) The Bembe case broke into public view September 9, when a widely circulated press article based on interviews with officials in MFA's Africa bureau strongly criticized the proceedings, asserting they would jeopardize peace efforts in Angola and also tarnish The Hague's reputation as a center for international peace efforts. At least several aspects of the article were inaccurate. The MFA has not taken a formal position on the extradition, according to officials in both the MFA and the Ministry of Justice. The article also asserted that Development Minister Agnes van Ardenne strongly opposed the extradition; van Ardenne, who is to meet with Department officials in Washington later this month, subsequently issued a public denial that she opposed the extradition.

Informal MFA Views

[1](#)4. (U) Pending instructions, Charge spoke September 14 with Renee Jones, Director General for Regional and Consular Affairs at MFA, and asked about the ministry's views. Both agreed to consider the conversation preliminary and informal, designed only to clarify where each side stood.

[1](#)5. (C) Jones said MFA had issued Bembe a visa but did not know at the time he was wanted for kidnapping or that he was the subject of an Interpol Red Notice. MFA had vetted him through the criminal lists available to it, Jones said, and Bembe had not shown a hit. A visa had subsequently been issued so that Bembe could participate in efforts by the Dutch NGO Kredda to advance peace talks regarding the Cabinda enclave of Angola. Jones acknowledged that Bembe's subsequent arrest had placed MFA in "an awkward" position. That Bembe had been arrested at the Peace Palace had further complicated matters, she said, because the building symbolizes The Hague's role in international peace efforts. Jones said there was a range of opinion within MFA. It had not taken a formal position on the case "yet" but might after hearings resume October 4. She said some in MFA believed Bembe's role in the peace process should take precedence over our extradition request; others did not. She also commented that Bembe was "not Usama bin Laden."

[1](#)6. (C) Charge said he could offer only his personal views pending instructions: We had not accused Bembe of being Usama bin Laden; we had accused him of kidnapping an innocent person then demanding a ransom. Whatever Bembe's credentials as a peacemaker, if he had stuck to peacemaking he would not be in this predicament. Finally, while we acknowledged the symbolic importance of the Peace Palace and respected The

Hague's role as a center for international justice, harboring a fugitive would violate Dutch treaty obligations and would hardly burnish the city's reputation as a center for international law. In any case, officials in Washington were following the case closely and with concern.

17. (C) Charge and Jones agreed to stay in close contact and to try to prevent the case from becoming a media and political circus.

18. (C) Charge and global affairs officer also met September 14 with Robert Visser, Director General for International Affairs at the Ministry of Justice. He was fully aware of the case, and in regular contact with Jones and the MFA. He recommended we avoid public comment and keep our demarches private. We too agreed to remain in contact about the case.

19. (C) ACTION REQUEST: The US Department of Justice is in close contact with the Dutch Ministry of Justice and we do not seek or require any guidance on legal aspects of the case. But we would appreciate State and Justice guidance on whether to pursue the issue at more senior levels in MFA, and with what tact. Jones' comments were helpful but not authoritative. We should therefore not quote them back to the Dutch.
BLAKEMAN